

STATE OF FLORIDA

COUNTY OF PINELLAS

AFFIDAVIT

BEFORE ME the undersigned authority personally appeared PATRICIA FIELDS ANDERSON who being first duly sworn deposes and says:

1. My name is Patricia Fields Anderson, I am over the age of 18 years, and I make this affidavit based on personal knowledge.
2. I have been licensed to practice law in Florida since 1982, and have been engaged in the private practice of law since that time. I am not kin to Judge Holder or his counsel.
3. My principal areas of practice have been media defense and civil rights, with an emphasis on First Amendment and Due Process issues. In connection with my practice, I have had many occasions to consider issues of confidentiality, privacy and the like.
4. I have reviewed materials relating to the charge of misconduct against The Honorable Gregory P. Holder, Judge of the Thirteenth Judicial Circuit, filed in the Florida Supreme Court by the Judicial Qualifications Commission in Inquiry 01-303, S. Ct. Case No.: SC02-33. In addition, I have reviewed the Charges in the instant case, Inquiry 02-487, S. Ct. Case No.: SC03-1171. I have also reviewed

the recent Scheduling Order in JQC Inquiry 02-487, which is now SC03-1171.

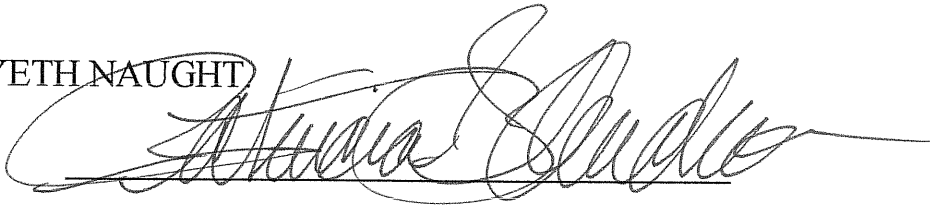
5. I understand that in Case No.: SC03-1171, the Commission's Hearing Panel will include four members who previously were members of an Investigative Panel investigating Judge Holder's conduct. This Investigative Panel charged Judge Holder with answering a federal judicial application question in a false or misleading manner. Judge John P. Kuder, Judge Thomas B. Freeman, Dr. Leonard Haber and Mr. Ricardo Morales, III, participated in this prior investigation. As a result of their participation, these members necessarily formed opinions about Judge Holder's credibility and veracity. Since Judicial Canon 3E requires a judge to disqualify himself or herself from any "proceeding in which the judge's impartiality might reasonably be questioned," these four members, who will sit in judgment against Judge Holder, should be disqualified from further participation in the instant proceeding.
6. The issue that is most likely to deny Judge Holder a fair hearing, provoke public suspicions, and reasonably call into question the Hearing Panel's impartiality is the fact that four members of the current Hearing Panel were part of the prior Investigative Panel

concerning Judge Holder's judicial application. These four members have been witnesses to Judge Holder's credibility and veracity. Therefore, the four members of the Hearing Panel who previously participated in the Investigative Panel for Judge Holder cannot—and cannot reasonably be expected to—fairly and without prejudice judge the merits of the case given their past personal involvement in proceedings against Judge Holder.

7. Thus, Judge Holder is in an unfair and untenable position. Judge Holder will be judged, and any recommended discipline will be voted upon, by four members who have already been part of an investigation into allegations of misconduct against him.
8. The continued participation in these proceedings by the four members who previously served on the Investigative Panel would deny Judge Gregory P. Holder fundamental due process that is constitutionally guaranteed to every citizen of this state and nation.
9. Under these circumstances, public confidence in the Commission will be lessened and an appearance of impropriety will be created if Hearing Panel members Kuder, Freeman, Morales, and Haber are not disqualified from further participation in Judge Holder's case.

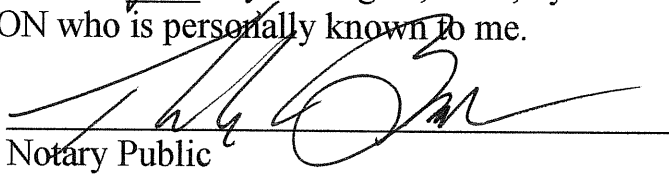
10. When the Commission was bifurcated by amendment to the Florida Constitution, the purpose was to avoid the very problem that is present in this proceeding, namely, ensuring that the panel judging the merits of the case had no previous involvement in the matter. Before bifurcation occurred, many judges charged with misconduct were concerned that the same Commission members voting on probable cause also voted on ultimate guilt. These due process considerations are fundamental to the Commission's present structure and crucial to the public's perception that Commission proceedings are free from the taint of bias and prejudice. If judges are to be held to higher standards of ethical conduct than members of the Bar and certainly the public at large, the Commission should hold itself to even higher standards in the important business of judging the judges. Any fair standard of conduct, however, requires disqualification of these former Investigative Panel members in this proceeding against Judge Holder.
11. I am acquainted with Judge Freeman and appeared before him once some twenty years ago, but I do not know Judicial Qualifications Commission members Kuder, Morales, or Haber, either personally or professionally, and make these observations solely in the context of the statements set forth above.

FURTHER AFFIANT SAYETH NAUGHT



Patricia Fields Anderson, Affiant

Sworn to and subscribed before me this 2<sup>nd</sup> day of August, 2004, by  
PATRICIA FIELDS ANDERSON who is personally known to me.

  
Notary Public

My Commission expires:



Thomas A. Brodersen  
MY COMMISSION # DD189485 EXPIRES  
March 4, 2007  
BONDED THRU TROY FAIR INSURANCE, INC.